

Michael Brasky

From: Schnitzer, Edward L. <ESchnitzer@mmwr.com>
Sent: Friday, August 23, 2019 1:40 PM
To: NYSBml_Bernstein's_Chambers_Staff
Cc: Pamela M. Egan; 'Eugene Morozov'
Subject: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - August 27, 2019 Hearing re Debtor request for Costs

Honorable Stuart M. Bernstein,

The Foreign Representative and Mr. Morozov have been discussing a potential settlement of Mr. Morozov's request for costs. We are cautiously optimistic that a settlement will be reached.

Nonetheless, in the event that a settlement is not reached, and a hearing is necessary, I respectfully request that Ms. Egan, counsel for the Foreign Representative, be permitted to participate telephonically on August 27, 2019 at 10 am EST, as Ms. Egan is located in Washington State.

Thank you.
-Edward Schnitzer



Edward L. Schnitzer | Partner | Chair, Bankruptcy & Financial Restructuring Group
Montgomery McCracken Walker & Rhoads LLP
437 Madison Avenue | New York, NY 10022
Tel: 212-551-7781 | Fax: 212-599-5085 | eschnitzer@mmwr.com | Attorney Profile

*Granted
SMB
8/26/19*

From: Eugene Morozov [mailto:me@morozov.me]
Sent: Tuesday, August 13, 2019 12:43 PM
To: Chantel Barrett
Cc: Schnitzer, Edward L.; Pamela M. Egan; Nicole Herther-Spiro; Michael Brasky
Subject: Re: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Dear Chantel,

I am respectfully requesting permission to participate telephonically in August 27, 2019 10 am EST Hearing since I am in California.

Thank you,

- Eugene Morozov

On 13 Aug 2019, at 04:23, Chantel Barrett <Chantel_Barrett@nysb.uscourts.gov> wrote:

The following transaction was received from Barrett, Chantel entered on 8/13/2019 at 7:21 AM and filed on 8/13/2019

Case Name: Evgeny M. Morozov and Yuri N. Demidenko
Case Number: 19-10629-smb
Document Number: 27

Docket Text:

So Ordered Memo Endorsed Scheduling Order Signed On 8/12/2019. A Hearing On The Debtor's Request To Tax Cost Has Been Scheduled For 10:00 a.m. On August 27, 2019. Opposition, If Any, Is Due By August 23, 2019. with hearing to be held on 8/27/2019 at 10:00 AM at Courtroom 723 (SMB) (Barrett, Chantel)

From: Eugene Morozov <me@morozov.me>

Sent: Monday, July 29, 2019 9:05 PM

To: Schnitzer, Edward L. <ESchnitzer@mmwr.com>

Cc: Pamela M. Egan <pegan@potomacclaw.com>; Nicole Herther-Spiro <nicole_herther-spiro@nysb.uscourts.gov>; Michael Brasky <Michael_Brasky@nysb.uscourts.gov>; NYSBml_Bernstein's_Chambers_Staff <bernstein.chambers@nysb.uscourts.gov>

Subject: Re: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Dear Mr. Schnitzer,

Attached please find the joint Pretrial order reflecting your two latest changes with my signature.

Thank you,

- Eugene Morozov

On 29 Jul 2019, at 19:42, Schnitzer, Edward L. <ESchnitzer@mmwr.com> wrote:

Mr. Morozov,

Please advise. The court has requested this order.

Thank you.

Ed

Edward L. Schnitzer | Partner | Chair, Bankruptcy & Financial Restructuring Group

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On Jul 29, 2019, at 6:22 PM, Schnitzer, Edward L. <ESchnitzer@mmwr.com> wrote:

Mr. Morozov,

I am following-up on my email below. Please add your signature to the attached, or confirm that I may add it, and I will then send this documents to the court as per Ms. Herther-Spiro's directions.

Thank you.

-Ed


 Edward L. Schnitzer | Partner | Chair, Bankruptcy & Financial Restructuring Group
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From: Schnitzer, Edward L.
Sent: Monday, July 29, 2019 5:31 PM
To: Eugene Morozov
Cc: Pamela M. Egan
Subject: RE: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Mr. Morozov,

Attached please find a revised order with the 2 modifications indicated below. Please add your signature to the attached, or confirm that I may add it, and I will then send this documents to the court as per Ms. Herther-Spiro's directions.

Thank you.
-Ed

 Edward L. Schnitzer | Partner | Chair, Bankruptcy & Financial Restructuring Group
Montgomery McCracken Walker & Rhoads LLP
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From: Nicole Herther-Spiro [mailto:nicole_herther-spiro@nysb.uscourts.gov]
Sent: Monday, July 29, 2019 5:19 PM
To: Eugene Morozov
Cc: Schnitzer, Edward L.; Michael Brasky; Pamela M. Egan; NYSBml_Bernstein's_Chambers_Staff
Subject: RE: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Thank you. Could the parties please send a word version of the final agreed pre-trial order with conformed signatures for Judge Bernstein's review?

Nicole Herther-Spiro
Law Clerk to the Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004
Direct: (212) 284-4028

From: Eugene Morozov <me@morozov.me>
Sent: Monday, July 29, 2019 5:01 PM
To: Nicole Herther-Spiro <nicole_herther-spiro@nysb.uscourts.gov>
Cc: Schnitzer, Edward L. <ESchnitzer@mmwr.com>; Michael Brasky
<Michael_Brasky@nysb.uscourts.gov>; Pamela M. Egan <pegan@potomaclaw.com>;

NYSBml_Bernstein's_Chambers_Staff <bernstein.chambers@nysb.uscourts.gov>
Subject: Re: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Dear Ms. Herther-Spiro,

I do agree with those two modifications.

Thank you,

- Eugene Morozov

Sent from my iPhone

On Jul 29, 2019, at 2:53 PM, Nicole Herther-Spiro <nicole_herther-spiro@nysb.uscourts.gov> wrote:

Mr. Morozov,

Do you agree to these changes to the pre-trial order described by Mr. Schnitzer in the email below?

Regards,

Nicole Herther-Spiro
Law Clerk to the Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004
Direct: (212) 284-4028

From: Schnitzer, Edward L. <ESchnitzer@mmwr.com>
Sent: Monday, July 29, 2019 10:44 AM
To: Nicole Herther-Spiro <nicole_herther-spiro@nysb.uscourts.gov>; Eugene Morozov <me@morozov.me>; Michael Brasky <Michael_Brasky@nysb.uscourts.gov>
Cc: Pamela M. Egan <pegan@potomacclaw.com>; NYSBml_Bernstein's_Chambers_Staff <bernstein.chambers@nysb.uscourts.gov>
Subject: RE: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Ms. Herther-Spiro,

Attached is a redline showing the changes in the joint pretrial order from the version sent by the Foreign Representative and the latest version sent by the Debtor.

The Foreign Representative is agreeable with the Debtor's proposed version subject to the following two clarifications:

(1) Section III, Paragraph 11.

The Foreign Representative agrees that there is an appeal of the Russian Insolvency Proceeding, but does not agree with what the Debtor characterizes as "fact[s]." The Foreign Representative is amenable to paragraph 11 stating (change highlighted and in bold):

The Debtor appealed the most current (9th) extension of the Russian Insolvency Proceeding based **on the Debtor's contentions** that no assets have been discovered by the Foreign Representative in 4.5 years, that the Foreign Representative is acting in his own interests to continuously renew the proceedings since he draws a salary from it, Russian creditors are disadvantaged by it and the Debtor is needlessly suffering from continuing procedure. The appellate decision in Moscow District is pending and is expected in August 2019.

(2) Section VIII.

The Debtor wrote "If Mr. Demidenko is not present in Court physically, none of the Petitioner's Exhibits provided by the Foreign Representative may be used." The Foreign Representative does not stipulate to that request, but is amenable to it being included in the Joint Pretrial Order as long as it has the preface of "The Debtor contends"

-Ed

Edward L. Schnitzer | Partner | Chair, Bankruptcy & Financial Restructuring Group
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-----Original Message-----

From: Nicole Herther-Spiro [mailto:nicole_herther-spiro@nysb.uscourts.gov]
Sent: Monday, July 29, 2019 9:40 AM
To: Eugene Morozov; Michael Brasky
Cc: Pamela M. Egan; Schnitzer, Edward L.; NYSBml_Bernstein's_Chambers_Staff
Subject: RE: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

All,

Please confirm whether this is an agreed pre-trial order.

Regards,

Nicole

Nicole Herther-Spiro
Law Clerk to the Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green

New York, NY 10004
Direct: (212) 284-4028

-----Original Message-----

From: Eugene Morozov <me@morozov.me>

Sent: Sunday, July 28, 2019 6:38 PM

To: Michael Brasky <Michael_Brasky@nysb.uscourts.gov>

Cc: Pamela M. Egan <pegan@potomacclaw.com>; Edward L. Schnitzer
<eschnitzer@mmwr.com>; NYSBml_Bernstein's_Chambers_Staff
<bernstein.chambers@nysb.uscourts.gov>

Subject: Morozov, Debtor; Ch. 15 Case No. 19-10629-smb - Joint PreTrial Order

Dear Mr. Brasky,

I respectfully submit to the Honorable Stuart M Bernstein the Joint Pre-Trial Order signed by Debtor.

I apologise for submitting with a delay, which was caused by the Petitioner's Counsel making changes at the last minute before the deadline last week.

Could you, please, file for Debtor?

Thank you,

- Eugene Morozov

<Joint Pretrial Order.docx>

<19-10629 MEMO.pdf>